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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) No. 6057/2010**

% Date of Decision: 27th January, 2011

PRITAM SINGH

...PETITIONER

Through: Mr. R.K. Saini and Mr. Sitab Ali
Choudhary, Advocates.
Petitioner in person.

Versus

THE DISTRICT JUDGE (INCHARGE) & ORS. ...RESPONDENTS

Through: Mr. Avnish Ahlawat & Ms. Latika
Chaudhary, Advocates for R-1&2.
Mr. Dhananjay Rana, Advocate for R-
3.
Mr. Viraj .R. Duttar and Mr. Chetan
Lokur, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE A.K.SIKRI

HON'BLE MR. JUSTICE M.L.MEHTA

1. Whether the Reporters of local papers
be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be
reported in the Digest?

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M.L.MEHTA, J. (Oral)

1. The petitioner is a practicing Advocate at Karkardooma District Courts, Delhi. The petitioner having not been allotted the chamber in the Karkardooma Courts Complex, made a representation to the Chamber Allotment Committee on 17th March, 2010. But since his grievance remained unaddressed, he filed a petition bearing W.P.(C) No. 2389/2010 before this Court. In that petition, this Court addressed his grievance by passing an order on 3rd May, 2010, which reads as follows:-

“In the given facts and circumstances of the case, it is agreed that the representation made by the petitioner on 17.03.2010 be examined in view of the averments and documents filed with the writ petition and a decision be taken on the same and communicated to the petitioner within 15 days from today.

The petition and the application stand disposed of in the aforesaid terms.”

3. Thereafter, the Chamber Allotment Committee sent a notice to the Shahdara Bar Association calling for its response on the aforesaid representation made by the petitioner. The Shahdara Bar Association vide its response dated 17th May, 2010 disputed the aforesaid entitlement of the petitioner. The Chamber Allotment Committee in its emergency meeting held

on the same date, i.e., 17th May, 2010, passed the impugned order, which is reproduced as under:-

“As per the report submitted by Shahdara Bar Association dated 17.5.2010 the register containing the serial No. 335 claimed by the applicant, was made for the issuance of the application form and not for the submission of the form. It was further reported that Shahdara Bar Association never received the application form of Pritam Singh and, therefore, the same was not sent to the office of District Judge – VI within the prescribed period, i.e. before 7.1.2009. The admitted position is that the name of the applicant did not figure in the list of original 1092 applicants and on the basis of his affidavit filed amongst the 241 persons subsequent to the prescribed period, the name of the applicant was included. The name of the applicant figured at serial No. 1023.

The claim of the applicant that the application was submitted in the Bar prior to 7.1.2009, is unfounded and his claim for pre-ponement of the date of receipt, is not acceptable. As a result, the Chamber Allotment Committee has rejected the representation of the applicant.

The claim of the applicant that he made the application prior to 7.1.2009 through the Bar Association, is devoid of merit. Hence, rejected.”

4. The petitioner has challenged the impugned order on various grounds. He has prayed for quashing of the said order as also for allotment of chamber on twin sharing basis in the said Court complex.

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5. Before dealing with the submissions of the petitioner, to appreciate the controversy, it may be noted that this Court vide order dated 7th September, 2010 called for the records maintained by the Shahdara Bar Association for perusal. None appeared for Shahdara Bar Association on the adjourned date. On 21st September, 2010, the President of the Shahdara Bar Association appeared in person and stated that an attempt will be made to sort out the matter amicably and at his request, the matter was adjourned to 6th October, 2010. Nobody appeared on the said date for the Shahdara Bar Association. None appeared for the Association on 8th December, 2010, 16th December, 2010, 22nd December, 2010 and also on 27th January, 2011.
 6. The petitioner took us through his certificate of enrolment testifying that he was enrolled as an Advocate with Bar Council of Delhi on 5th October, 2006. A list of members of Shahdara Bar Association was produced wherein the petitioner's name finds mentioned at serial number 1187. He also filed a declaration as required by Shahdara Bar Association on 9th February, 2007 vide application bearing number 1527. Thereafter, he applied for allotment of Chamber in the prescribed format on 24th December, 2008

vide entry No. 335 and submitted copy of receipt of this entry which he had obtained from the office of Bar Association. In the said application form he made a mention of his enrolment with Shahdara Bar Association from 4th November, 2006 vide receipt number 1109. He had also filed an affidavit with the Shahdara Bar Association on 7th November, 2009 stating therein also that he became member of the Association since 4th November, 2006 and was given membership receipt number 1109 dated 4th November, 2006. Further, as required he also in his affidavit gave option of sharing of chamber with anyone of the three advocates named therein.

7. List of allottees of 480 chambers at Karkardooma Courts, Delhi was declared by the allotment Committee on 17th March, 2010. Since the name of the petitioner was not there in the said list, he made representation to the District Judge – VI, Karkardooma Courts, Shahdara, Delhi on 17th March, 2010 with a copy addressed to the Secretary, Shahdara Bar Association. Since no step was taken on this representation, he filed a petition bearing W.P.(C) No. 2389/2010, which as noted above came to be disposed on 3rd May, 2010.

8. We have heard learned counsel for the petitioner as also for the District Judge/respondent No. 1 and Delhi High Court/respondent No. 4. From all that has been noted above by us, we are surprised to see how the matter had been dealt with by the Association and by the Chamber Allotment Committee. The Shahdara Bar Association has neither produced the records, as was directed by this Court, nor did anyone appear on its behalf on various dates of hearing. At one point of time President of the Shahdara Bar Association stated that they will make efforts to settle the matter amicably, but that also did not happen. The petitioner had to undergo avoidable round of litigation. Despite the directions given by this Court to examine the representation of the petitioner, the Chamber Allotment Committee simply called upon the Shahdara Bar Association to verify as to whether the application of the petitioner was sent to the office of Chairman of the Allotment Committee. The impugned order was passed by the Chamber Allotment Committee on 17th May, 2010, i.e., the date on which the response was submitted by the Bar Association. Not only this, what was stated in the response by the Bar Association was accepted to be correct without even verifying from the records the version of the petitioner. The grievance of the petitioner was that he applied in time and

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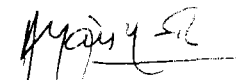
also filed a declaration, affidavit, etc., which was neither considered nor examined. Simply, on the response of the Bar Association, the Committee proceeded to record the claim of the petitioner to be unfounded. Infact, it was the grievance of the petitioner that he was eligible and had applied in time against proper receipt. The Committee ought to have looked into these facts from the records of the Bar Association.

9. Now, from the documents as filed by the petitioner, as briefly noted above, and also the background of the fact that neither the record has been produced by the Bar Association nor there is any controversy raised by the Bar Association, we are in entire agreement with the petitioner. We, therefore, hold that petitioner was entitled to allotment of a chamber.
10. The petitioner also brought to our notice an uncontroverted fact that some of the lawyers who were members of the Shahdara Bar Association and junior to him and some of them who had applied after the closing date had been allotted chambers. The said lists have been taken on record as Ex. P-10 & P-11.

11. Without commenting on this aspect of the matter, we are of the view that the petitioner was eligible for allotment of a chamber in the Court complex. We are given to understand that a large number of chambers are still lying vacant. If that be the situation, while quashing the impugned order of 17th May, 2010 of the Chamber Allotment Committee, we hereby direct the Committee to process, within one month, for allotment of a Chamber to the petitioner on twin sharing basis. The petition is accordingly disposed of with no orders as to costs.



**M.L.MEHTA
(JUDGE)**



**A.K.SIKRI
(JUDGE)**

JANUARY 27, 2010

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